

Appl. No. : 10/618,957
Filed : July 14, 2003

REMARKS

The Abstract is amended to be provided in a single paragraph. No new matter is added by this amendment.

The specification is amended to correct a typographical error in the term "pyrrolidinium." No new matter is added by this amendment.

Claim 8 is amended to correct a typographical error in the term "pyrrolidinium." No new matter is added by this amendment.

Claim 8 is pending. Applicant respectfully requests reconsideration of the application in view of the amendments and the following remarks.

Objection to the Abstract

The Abstract is objected to as provided in more than one paragraph. The Abstract has been amended to single paragraph form.

Rejection Under 35 U.S.C. § 112

Claim 8 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action objects to the term "pyrrolidium ring." As the Examiner correctly points out, the term "pyrrolidium ring" is incorrect and should be "pyrrolidinium ring." A "pyrrolidium ring" does not exist. The objected to term has been corrected to "pyrrolidinium ring." Applicants respectfully submit that, in view of the amendment to Claim 8, this ground for rejection of the claim is now moot.

Rejection Under Obviousness-Type Double Patenting

Claim 8 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-14 of copending Application Serial No. 10/969,236, Claims 1-5 of copending Application Serial No. 11/090,813, Claims 1-16 of copending Application Serial No. 11/073,456, and Claims 1-5 of copending Application Serial No. 10/619,516 in view of Takeda (U.S. Pat. No. 5,082,730).

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Applicants submit herewith a terminal disclaimer in compliance with 37 C.F.R. §1.321(c), thereby obviating this rejection. This terminal disclaimer should be in no way considered as an admission that the claimed invention could be obvious over the listed patent applications in view of Takeda.

CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 19, 2006

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